



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

February 7, 2018

System No. 3500559

Ms. Hope Beltran, Manager
Quintero Labor Camp #1 (Wright Road)
1761 Wright Road
Hollister, CA 95023

AMENDMENT 001 TO COMPLIANCE ORDER NO. 02_05_15R_004 VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555(a)(3)

Enclosed is Amendment 001 to Compliance Order 02_05_15R_004 issued to the Quintero Labor Camp #1 (Wright Road) water system on July 3, 2015. Amendment 001 includes language and revised deadlines to be added to or replace text in the Compliance Order as specified.

Quintero Labor Camp #1 (Wright Road) will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Compliance Order. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a compliance order. At this time, the State Water Board has spent approximately two hours on enforcement activities associated with this enforcement action.

Quintero Labor Camp #1 (Wright Road) will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Quintero Labor Camp #1 for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued by the Deputy Director of the Division of Drinking Water under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Order contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1 Lower Ragsdale, Bldg. 1, Suite 120, Monterey, CA 93940 | www.waterboards.ca.gov

a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Shaminder Kler of my staff at (831) 655-6938 or me at (831) 655-6934.

Sincerely,



Jan R. Sweigert, P.E.
District Engineer, Monterey District Office
Northern California Field Operations Branch
Division of Drinking Water

Enclosures

Certified Mail No. 7008-1830-0004-5435-2954

cc: San Benito County Environmental Health Department (email)
Tom Estrada, certified operator

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4 **STATE OF CALIFORNIA**
5 **STATE WATER RESOURCES CONTROL BOARD**
6 **DIVISION OF DRINKING WATER**
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9 **Name of Public Water System:** Quintero Labor Camp #1 (Wright Road)

10 **Water System No:** 3500559
11

12 **To:** Ms. Hope Beltran, Manager
13 Quintero Labor Camp #1 (Wright Road)
14 1761 Wright Road
15 Hollister, CA 95023
16

17 **Issued:** February 7, 2018
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19 **AMENDMENT 001 TO COMPLIANCE ORDER**
20 **FOR VIOLATION OF CALIFORNIA HEALTH AND SAFETY CODE**
21 **SECTION 116555(a)(3)**
22 **JANUARY 2018**
23

24 The California Health and Safety Code (hereinafter "CHSC"), Section 116655 authorizes
25 the State Water Resources Control Board (hereinafter "State Water Board") to issue a
26 compliance order to a public water system when the State Water Board determines that
27 the public water system has violated or is violating the California Safe Drinking Water Act
28 (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing

with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Water Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues Amendment 001 to Compliance Order No. 02_05_15R_004 (hereinafter "Order") pursuant to Section 116655 of the CHSC to the Quintero Labor Camp #1 (Wright Road) (hereinafter "Quintero") for violation of CHSC, Sections 116555(a)(3), which was issued on July 3, 2015.

A copy of the applicable statutes and regulations are included in Appendix 1, which is attached hereto and incorporated by reference.

This Amendment 001 to Compliance Order No. 02-05-15R-004 amends and supplements Compliance Order No. 02-05-15R-004 as follows:

A) The following is added as the final paragraphs to the Section entitled "Statement of Facts":

"On October 10, 2017, Quintero submitted a letter to the Division explaining the reason for delay in meeting the compliance deadlines of directives in the Compliance Order No. 02-05-15R-004. The letter included updates on the action items identified in the Action Plan submitted to the Division on October 9, 2015.

As of the date of Amendment 001 to this Compliance Order, Quintero has failed to come into compliance with the CHSC, Sections 116555(a)(3), which requires that any person who owns a public water system shall ensure that the system provides a reliable and adequate supply of pure, wholesome, healthful, and potable water."

B) The following is added as a final paragraph to the Section entitled "Determinations" to read:

1 "As of the date of Amendment 001 to this Compliance Order, the Division has
2 determined that Quintero failed to comply with, and has continued to fail to comply
3 with Directive 1 of Compliance Order No. 02-05-15R-004."
4

5 C) The following replaces Directive 1 of the section entitled "Directives":
6

7 "1. On or before **May 31, 2019**, comply with CHSC, Sections 116555(a)(3) and
8 remain in compliance."
9

10 D) The following replaces Directive 5 of the Section entitled "Directives":
11

12 "5. Prepare and submit by **March 30, 2018** for Division approval, a Corrective
13 Action Plan identifying improvements to the water system that are designed to
14 correct the problem (unreliable nitrate treatment) and to ensure that the
15 System delivers water to consumers that meets primary drinking water
16 standards at all times. **The plan shall include a time schedule with specific**
17 **dates for completion of each of the phases of the project**, which may
18 include but are not limited to: conducting a feasibility study, preparing an
19 engineering design report describing the proposed solution(s) and
20 implementing recommended solution(s). The Compliance Action Plan shall
21 show Quintero as returned to compliance by **May 31, 2019.**"
22

23 All submittals required by this Order shall be electronically submitted to the State Water
24 Board at the following address. The subject line for all electronic submittals
25 corresponding to this Order shall include the following information: Water System name
26 and number, order number and title of the document being submitted.

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28 Jan Sweigert, P.E.
29 District Engineer, Monterey District Office
30 Dwpdist05@waterboards.ca.gov
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1 The State Water Board reserves the right to make such modifications to this Order as it
2 may deem necessary to protect public health and safety. Such modifications may be
3 issued as amendments to this Order and shall be effective upon issuance.

4
5 Nothing in this Order relieves Quintero of its obligation to meet the requirements of the
6 California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section
7 116270), or any regulation, standard, permit or order issued or adopted thereunder.

8 9 **PARTIES BOUND**

10 This Order shall apply to and be binding upon Quintero, its owners, shareholders, officers,
11 directors, agents, employees, contractors, successors, and assignees.

12 13 **SEVERABILITY**

14 The directives of this Order are severable, and Quintero shall comply with each and every
15 provision thereof notwithstanding the effectiveness of any provision.

16 17 **FURTHER ENFORCEMENT ACTION**

18 The California SDWA authorizes the State Water Board to: issue a citation or order with
19 assessment of administrative penalties to a public water system for violation or continued
20 violation of the requirements of the California SDWA or any regulation, permit, standard,
21 citation, or order issued or adopted thereunder including, but not limited to, failure to
22 correct a violation identified in a citation or compliance order. The California SDWA also
23 authorizes the State Water Board to take action to suspend or revoke a permit that has
24 been issued to a public water system if the public water system has violated applicable
25 law or regulations or has failed to comply with an order of the State Water Board, and to
26 petition the superior court to take various enforcement measures against a public water
27 system that has failed to comply with an order of the State Water Board. The State Water

1 Board does not waive any further enforcement action by issuance of this Compliance
2 Order.

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6 Stefan Cajina, P.E., Chief
7 North Coastal Section
8 State Water Resources Control Board
9 Division of Drinking Water
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Feb. 7, 2018
Date



11 Appendix:

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13 1. Applicable Statutes and Regulations
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15 Certified Mail No. 7008-1830-0004-5435-2954

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS

For Amendment 001 to Compliance Order No. 02_05_15R_004

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271 (Transition of CDPH duties to State Water Board) states in relevant part:

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k)

- (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
- (2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

Section 116625 (Revocation and suspension of permits) states:

(a) The department, after a hearing noticed and conducted as provided in Section 100171, may suspend or revoke any permit issued pursuant to this chapter if the department determines pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permit at issue has been temporarily suspended pursuant to subdivision (c), the accusation shall be served and notice of the hearing date given within 15 days of the effective date of the temporary suspension order. The commencement of the hearing shall be as soon as practicable, but in no case later than 60 days after the effective date of the temporary suspension order.

(b) The permittee may file with the superior court a petition for a writ of mandate for review of any decision of the department made pursuant to subdivision (a). Failure to file a petition shall not preclude a party from challenging the reasonableness or validity of a decision of the department in any judicial proceeding to enforce the decision or from pursuing any remedy authorized by this chapter.

(c) The department may temporarily suspend any permit issued pursuant to this chapter prior to any hearing when the action is necessary to prevent an imminent or substantial danger to health. The director shall notify the permittee of the temporary suspension and the effective date thereof and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing on the merits. The temporary suspension shall remain in effect until the hearing is completed and the director has made a final determination on the temporary suspension, that in any event shall be made within 15 days after the completion of the hearing. If the determination is not transmitted within 15 days after the hearing is completed, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the department of jurisdiction to proceed with a hearing on the merits under subdivision (a).

Section 116555 (Operational Requirements) states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.
- (2) Will not be subject to backflow under normal operating conditions.
- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116655 (Orders) states:

(a) Whenever the State Water Board determines that any person has violated or is violating this chapter, or any order, permit, regulation, or standard issued or adopted pursuant to this chapter, the State Water Board may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the State Water Board.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the State Water Board.

Section 116701 (Petitions to Orders and Decisions) states:

(a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

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- (e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.
- (f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.